

introducing new matter, namely, the description of and reference to pitch variation in the prisms, is maintained.

Without agreeing that the amendment of November 30, 1999 introduced new matter, the claims directed to pitch variations, namely, claims 28, 29, 31, 32 and 35-41, have been cancelled, without prejudice.

Claims 8, 9 and 11-42 were rejected under 35 U.S.C. §251 based on improper recapture of surrendered subject matter.

Applicant respectfully disagrees that claims 8, 9 and 11-41 claim subject matter which was surrendered in the application for the patent upon which the present reissue is based. Applicant argued at length on this issue and applicant's position on this rejection was made of record in the Appeal Brief as filed before the Board of Patent Appeal and Interferences. Applicant restates herein the remarks made in the Appeal Brief in response to the rejection. A copy of the Appeal Brief is submitted herewith for the Examiner's convenience.

A supplemental reissue declaration covering amendments made after the filing of the reissue declaration will be filed upon indication of allowance of the present reissue application.

The Office Action of July 8, 2002 reset the period of response previously set in the May 9, 2002 Office Action to run two months from July 8, 2002.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the claims now pending in the application, namely claims 1-9, 11-13, 15-20 and 22-24 are in condition for allowance. Early and favorable reconsideration is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, he is respectfully requested to phone applicants' attorney at the number indicated below.

Respectfully submitted,

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